

338 HATE CRIMES**338.1 PURPOSE AND SCOPE**

The Columbia Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.1.1 FEDERAL JURISDICTION

Federal law prohibits discrimination-based acts. The U.S. Department of Justice (DOJ) may obtain jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, sex, sexual orientation, gender identity or disability (18 USC § 245).

338.2 DEFINITIONS

Definitions related to this policy include (§ 557.035, RSMo):

Disability - A physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having such an impairment or a record of having such an impairment.

Hate crime - A crime knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims.

Sexual orientation - Male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's sex.

338.3 CRIMINAL STATUTES

State law creates penalty enhancements to Class C or Class D felonies for identified crimes knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims (§ 557.035, RSMo).

338.4 PROCEDURE FOR INVESTIGATING HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

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1. Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form, and cooperate with prevention and response networks.
2. Providing victim assistance and follow-up as outlined below, including community follow-up.
3. Educating community and civic groups about hate crime laws.

338.5 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- a. Officers will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.
- b. A supervisor should be notified of the circumstances as soon as practicable.
- c. Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers will take all reasonable steps to preserve evidence that may tend to establish that a hate crime was involved.
- d. The assigned officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime. No victim of, or a witness to, a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation.
- e. Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.
- f. The assigned officers will include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports will be clearly marked as "Hate Crime" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.
- g. The assigned officers should also make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations. The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., a possible Temporary Protective Order through the courts).

338.6 INVESTIGATION UNIT RESPONSIBILITIES

If a case is assigned to the Investigation Unit, the assigned investigator will be responsible for following up on the reported hate crime by:

- a. Coordinating further investigation with the County Prosecutor and other appropriate law enforcement agencies.
- b. Maintaining contact with the victim and other involved individuals, as needed.
- c. Maintaining statistical data and tracking of suspected hate crimes as indicated or required by state law.

338.6.1 STATE HATE CRIME REPORTING

This department shall report hate crime offenses through Missouri's Uniform Crime Reporting (UCR) program at regular intervals as prescribed by rules adopted by the MSHP. This shall be conducted by the Records Supervisor or assigned to the Investigation Unit.

338.6.2 FEDERAL HATE CRIME REPORTING

The Records Supervisor should include hate crime data reporting within the National Incident Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records Unit procedures and in compliance with (28 USC § 534(a)).